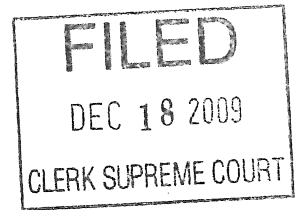


IN THE SUPREME COURT OF IOWA



ORDER

**IN THE MATTER OF AMENDMENT TO IOWA
RULE OF APPELLATE PROCEDURE 6.702(2)**

By action of this court, Iowa Rule of Appellate Procedure 6.702(2) is amended as shown in the attached document. The amendment to this rule shall be effective immediately.

Dated this 18th day of December, 2009.

THE SUPREME COURT OF IOWA

By Marsha Ternus
Marsha Ternus, Chief Justice

CHAPTER 6 RULES OF APPELLATE PROCEDURE

Rule 6.702 Filing fees and copies.

* * * *

6.702(2) *Waiver or deferral of filing fees.*

a. Waiver of filing fees.

(1) State as filing party. If the State of Iowa is the filing party, the clerk shall waive any filing fees ~~upon the attorney general's motion.~~

(2) Criminal defendant as filing party. If a criminal defendant is the filing party and there has been a district court finding of indigency, the clerk shall waive any filing fees upon the defendant's motion. The defendant's motion to waive the filing fee shall be accompanied by a copy of the district court's order finding the defendant indigent. If a criminal defendant is the filing party and the appellate defender's office has been appointed to represent the defendant, the clerk shall waive any filing fees.

(3) Postconviction applicant as filing party. If an applicant under Iowa Code section 822.9 of the Uniform Postconviction Procedure Act is the filing party and there has been a district court finding of indigency, the clerk shall waive any filing fees upon the applicant's motion. The applicant's motion to waive the filing fee shall be accompanied by a copy of the district court's order finding the applicant indigent.

(4) Waiver of filing fee authorized by other rule or statute. If waiver of the filing fee is otherwise authorized by a rule or statute, the clerk shall waive the filing fee upon motion. The motion shall state the applicable rule or statute which authorizes waiver of the filing fee.

b. Deferral of filing fee. If a rule, statute, or court order authorizes a party to defer payment of a filing fee, the clerk shall enter an order deferring the fee upon motion. The motion shall state the applicable rule or statute, or have attached the court order which authorizes deferral of the filing fee.